IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 4549 (MS) OF 2001

(OLD NO. 17083 OF 1987)

1. Gurubachan Singh, S/o Shri Harnam Singh,
2. Smt. Dajleet Kaur, D/o Shri Ladda Singh, W/o Shri Gurubachan Singh,
3. Satvindar Singh, S/o Shri Gurubachan Singh,
4. Girendar Singh, S/o Shri Guurbachan Singh,
5. Rajendrapal Singh, S/o Shri Gurubachan Singh,

All residents of village Rampura, Tehsil-Sitarganj, District-Nainital. .....Petitioners.

Versus

1. Civil Judge, Nainital.
2. Shiv Kumar, S/o Shri Murlidhar,
   R/o Bijati Road, Sitarganj,
   Tehsil-Sitarganj, District-Nainital. .....Respondents.

Dated: 28.08.2006

Hon'ble Rajesh Tandon, J.

Heard Sri M.S. Pal, Sr. Advocate, assisted by Sri V.S. Pal, Advocate for the petitioner and Sri K.S. Bora, Advocate for the respondents.

2. By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 22nd May, 1997 passed by the Civil Judge, Nainital rejecting the impleadment application of the petitioner.

3. Briefly stated, a suit was filed by the plaintiff for permanent injunction being Suit No. 84 of 1984 in the Court of Munsif, Khatima (Nainital). The Suit was dismissed. Thereafter, the petitioner went in appeal. During the pendency of the appeal, the petitioner filed an application that the State may be impleaded as one of the parties. The said application was rejected. Hence the present writ petition has been rejected.

4. It is very surprising that since 1981, the proceedings are held up. However, in view of the above, since the State of Uttaranchal shall be a formal party, the appellate Court is directed to implead the State of Uttaranchal as a party without any delay.

5. Subject to above, writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

28.08.2006
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